

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROY SOPSHIRE,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:07CV1953 SNL
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court for review of Roy Sopshire's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The motion is barred by the one-year period of limitations and will be summarily dismissed.

On February 11, 2005, after having entered a guilty plea, movant was sentenced to 84 months imprisonment followed by four years of supervised release for violating 21 U.S.C. § 841(a)(1) (possession with intent to distribute cocaine base). Movant did not file a notice of appeal.

Rule 4(b) of the Rules Governing § 2255 Cases in the United States District Courts provides that a District Court may summarily dismiss a § 2255 motion if it plainly appears that the movant is not entitled to relief.

Under 28 U.S.C. § 2255:

A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of--

- (1) the date on which the judgment of conviction becomes final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Movant filed the instant petition on November 20, 2007, more than one year after the one-year period of limitations expired, asserting ineffective assistance of counsel. As a result, the motion is time-barred under 28 U.S.C. § 2255 and is subject to summary dismissal.

Accordingly,

**IT IS HEREBY ORDERED** that movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [Doc. #1] is **DISMISSED**.

An appropriate Order of Dismissal will accompany this Memorandum and Order.

Dated this 7th day of December, 2007.

A handwritten signature in black ink, reading "Stephen L. Limbaugh". The signature is written in a cursive, flowing style with a horizontal line extending from the end of the name.

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SENIOR UNITED STATES DISTRICT JUDGE